

ZAM/ASJZ USAO#2014R000749

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
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UNITED STATES OF AMERICA

v.

DAVID C. ANDREWS,

Defendant

*
* CLERK'S OFFICE
* CRIMINAL NO. 15-054
* BY DEPUTY
* (Distribution of Child Pornography,
* 18 U.S.C. §§ 2252(a)(2) and (b)(1);
* Possession of Child Pornography, 18
* U.S.C. §§ 2252(a)(4)(B) and (b)(2)
* Destruction, Alteration, or Falsification
* of Records in Federal Investigations, 18
* U.S.C. § 1519; Forfeiture, 18 U.S.C.
* § 2253)
*

COUNT ONE

(Distribution of Child Pornography)

General Allegations

The Grand Jury for the District of Maryland charges that:

1. The Defendant, **DAVID C. ANDREWS** ("ANDREWS") was a resident of Salisbury, Maryland.
2. On or about May 12, 2014, a law enforcement officer engaged in undercover internet investigations observed an internet user, **ANDREWS**, making child pornography publicly available to other users over a peer-to-peer file sharing network over the internet.
3. **ANDREWS** was publicly sharing the child pornography through the Comcast internet account assigned to **ANDREWS'** residence.
4. On or about May 12, 2014, the undercover law enforcement officer downloaded a video file entitled "(Pthc) Princess20009 6Yo Gives Blowjob" from a computer which was connected to the Comcast internet account at **ANDREWS'** residence. This video file depicted a prepubescent girl, approximately six years old, performing oral sex on an adult man.

5. On or about June 20, 2014, **ANDREWS** observed law enforcement officers conducting surveillance and photographing his home.

6. On or about June 22, 2014, **ANDREWS** installed the Windows 8 operating system on his Hewlett Packard laptop and ran a software program which can delete files and related data making the previously present information unrecoverable upon forensic analysis of the hard drive.

7. Between on or about June 22 and 24, 2014, **ANDREWS** removed the hard drive from his Hewlett Packard laptop, and placed the laptop's hard drive and his Nook e-reader in a plastic bag, hidden inside a truck tire in the yard of a neighbor's home.

8. On or about June 24, 2014, law enforcement officers located **ANDREWS'** Nook e-reader, and the hard drive from **ANDREWS'** Hewlett Packard laptop computer hidden in a plastic bag inside a truck tire in the back yard of the then-vacant home next door to **ANDREWS'** residence.

9. Forensic examination of **ANDREWS'** Nook e-reader located dozens of images of child pornography in the unallocated space of the device, including the following files, as named by the forensic examination software:

- a. **Image 0000241:** This image depicts a prepubescent female performing oral sex on an adult male;
- b. **Image 0000257:** This image depicts an adult male inserting his penis into the vagina of a prepubescent female.
- c. **Image 0000258:** This image depicts a prepubescent female performing oral sex on an adult male.
- d. **Image 0000260:** This image depicts an adult male ejaculating on the buttocks on a prepubescent female.

- e. **Image 0000614:** This image depicts an adult male spreading open the anus of a prepubescent child.

The Charge

10. On or about May 12, 2014, in the District of Maryland, the defendant,

DAVID C. ANDREWS,

did knowingly distribute any visual depiction using any means and facility of interstate and foreign commerce, and that had been mailed, shipped and transported in and affecting interstate and foreign commerce, and which contained materials which had been so mailed, shipped and transported, by any means including by computer, and knowingly reproduces any visual depiction for distribution using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and through the mails, the production of which involved the use of a minor engaged in sexually explicit conduct and such depiction being of such conduct, that is, the defendant distributed a visual depiction of a minor engaging in sexually explicit conduct, including, but not limited to, the file "(Pthc) Princess20009 6Yo Gives Blowjob."

18 U.S.C. §§ 2252(a)(2) and (b)(1).

COUNT TWO
(Possession of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 9 of Count One are hereby incorporated by reference, as though fully set forth herein.
2. On or about June 24, 2014, in the District of Maryland, the defendant,

DAVID C. ANDREWS,

knowingly possessed one or more books, magazines, periodicals, films, video tapes, and other matter, which contained visual depictions that had been mailed, shipped and transported using any means and facility of interstate and foreign commerce, and shipped and transported in and affecting interstate and foreign commerce, and which were produced using materials which had been mailed, and so shipped and transported, by any means including by computer, where the producing of such visual depictions involved the use of minors engaging in sexually explicit conduct and such visual depictions were of such conduct, that is: **DAVID C. ANDREWS** knowingly possessed computers and computer storage media, a Nook e-reader that contained one or more visual depictions of minors under the age of 18 years engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A), that he acquired via a connection to the internet and some of the visual depictions involved a prepubescent minor or a minor who had not attained twelve years of age, including but not limited to the following images, as named by forensic examination software: **Image 0000241, Image 0000257, Image 0000258, Image 0000260, and Image 0000614.**

18 U.S.C. §§ 2252(a)(4)(B) and (b)(2).

COUNT THREE

(Destruction, Alteration, or Falsification of Records in Federal Investigations)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 9 of Count One are hereby incorporated by reference, as though fully set forth herein.

2. Between and including on or about June 20, 2014 and June 24, 2014, in the District of Maryland, the defendant,

DAVID C. ANDREWS,

knowingly altered, destroyed, mutilated, concealed, covered up, falsified, and made a false entry into a record, document and tangible object with the intent to impede, obstruct, and influence the investigation and proper administration of any matter within the jurisdiction of any department and agency of the United States, and in relation to and contemplation of any such matter; to wit, the defendant deleted and attempted to delete files containing child pornography and tried to hide said files during a child pornography investigation by the U.S. Department of Homeland Security.

18 U.S.C. § 1519

SPECIAL ALLEGATION

The Grand Jury for the District of Maryland further charges that:

Prior to May 12, 2014, the defendant,

DAVID C. ANDREWS,

had a conviction under the law of any State relating to aggravated sexual abuse, sexual abuse, and abusive sexual conduct involving a minor or ward, and the production, possession, receipt, mailing, sale, distribution, shipment, and transportation of child pornography, to wit: on or about October 12, 2011, in the Circuit Court for Wicomico County, Maryland, in Case No. 22K11000527, **ANDREWS**, was convicted of Possession of Child Pornography, in violation of Maryland Code, Crim. Law., § 11-208.

18 U.S.C. §§ 2252 (b)(1) & (b)(2)

FORFEITURE

As a result of a conviction for the offenses set forth in Counts One or Two, the defendant,

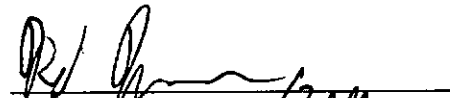
DAVID C. ANDREWS,

shall forfeit to the United States his interest in all property, real and personal, that was used, or intended to be used, to commit or to promote the commission of the offenses in Counts One or Two, including but not limited to:

- a) a Barnes and Noble Nook e-reader, SN: 2014750109854006;
- b) a Hewlett Packard HP 2000 Notebook laptop with serial number 5CG2452G29, containing a 320 GB, Western Digital Hard Disk Drive, SN: WXF1A1052197; and
- c) a Samsung external hard drive #E018J102107623.

and any property traceable to such property, or that constitutes or is traceable to gross profits or other proceeds obtained, directly or indirectly from the offenses charged in Counts one or Two.

18 U.S.C. § 2253


Rod J. Rosenstein
United States Attorney

A TRUE BILL

SIGNATURE REDACTED —

Date: 2/11/15